

N THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:

Rifat PAMUKCU et al.

Serial No.:

10/003,868

Attorney Docket No.: P-168-1

Filed:

October 24, 2001

Group Art No.: 1623

Examiner:

H.V. Owens, Jr.

Title:

METHOD FOR INHIBITING

NEOPLASTIC CELLS WITH BENZIMIDAZOLE

DERIVATIVES

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

OSI Pharmaceuticals, Inc.

Shu M. Lee

Date 27 Jan 2004

Mail Stop AF

Commissioner for Patents U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

REVOCATION OF POWER OF ATTORNEY

OSI Pharmaceuticals, Inc. is the assignee of 100% interest, as evidenced by the enclosed copy of the Recordation submitted to the US Patent and Trademark Office on September 11, 2003 of the Certificate of Merger of Cell Pathways, Inc. – which was the holder of 100% interest in an assignment from the inventors recorded at Reel 9723, Frame 0722 on January 12, 1999 – into OSI Pharmaceuticals, Inc. As the assignee of 100% interest, OSI hereby revokes all previous powers of attorney given in the above-identified application and hereby appoints the patent practitioners in the Legal Department of OSI Pharmaceuticals, Inc. registered to practice before the U.S. Patent and Trademark Office. They are presently Shu M. Lee, registration No. 41,147, Kimberly Nguyen, registration No. 47,821, and Alexander Stewart, registration No. 47,110.

Commissioner is authorized to charge any deficiencies and credit any

overpayment to OSI Pharmaceuticals, Inc. Deposit Account No. 502783.

Very truly yours,

Gabriel Leung

Executive Vice-President

President, Oncology Business

December 11, 2003

Attorney for Applicants can be reached at the telephone number and address below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

OSI PHARMACEUTICALS, Inc.

By Sham Loe Date 27 Jan 2004

December 11, 2003 OSI Pharmaceuticals, Inc. 58 South Service Road, Suite 110 Melville, NY 11747 Very truly yours,

Shu M. Lee

Attorney for Applicants Registration No. 41,147

Telephone No. (631) 962-2056

or (516) 924-4035

Fax No. (631) 752-3880

Form PTO-1595 RECORDATION FORM COVER SHEET U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office (Rev. 10/02) PATENTS ONLY OMB No. 0651-0027 (exp. 6/30/2005) To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof. 2. Name and address of receiving party(ies) 1. Name of conveying party(ies): Name: OSI Pharmaceuticals, Inc. Cell Pathways, Inc. Internal Address: ___ Patent Department Additional name(s) of conveying party(ies) attached? Yes V No 3. Nature of conveyance: ✓ Merger Assignment Street Address: 58 South Service Road Change of Name Security Agreement Suite 110 City: Melville State: NY Zip: 11747 07/14/2003 **Execution Date:** Additional name(s) & address(es) attached? Yes ✓ No 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is:_____ A. Patent Application No.(s) Please see attached B. Patent No.(s) list Additional numbers attached? Yes No 6. Total number of applications and patents involved: 56 5. Name and address of party to whom correspondence concerning document should be mailed: 7. Total fee (37 CFR 3.41).....\$2,240.00 Shu M. Lee, Ph.D. ✓ Enclosed Patent Department Internal Address:_ Authorized to be charged to deposit account OSI Pharmaceuticals, Inc. 8. Deposit account number: 58 South Service Road Street Address: Suite 110 ____State: NY Zip: 11747 DO NOT USE THIS SPACE 9. Signature. Shu M. Lee, Ph.D.

Name of Person Signing



CONTINUATION OF ITEM 4

09/169,678	09/739,440	10/117,255
09/184,394	09/739,559	10/125,823
09/190,343	09/789,848	10/136,140
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09/200,025	09/902,948	10/157,526
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09/436,806	09/938,160	10/166,940
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09/517,734	09/952,769	10/228,700
09/523,276	09/966,003	10/251,165
09/523,277	09/968,207	10/251,549
09/548,135	09/974,271	10/252,286
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09/663,217	10/012,672	10/253,849
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09/716,989	10/040,769	10/278,683
09/723,613	10/040,776	10/377,213
09/734,633	10/071,639	÷



State of Delaware Secretary of State Division of Corporations Delivered 06:25 PM 07/14/2003 FILED 06:25 PM 07/14/2003 SRV 030460953 - 2004924 FILE

CERTIFICATE OF OWNERSHIP AND MERGER

MERGING

Cell Pathways, Inc.

WITH AND INTO

OSI Pharmaceuticals, Inc.

(Pursuant to Section 253 of the General Corporation Law of Delaware)

OSI Pharmacouticals, Inc., a Delaware corporation (the "Corporation"), does hereby certify:

FIRST: The Corporation is incorporated pursuant to the General Corporation Law of the State of Delaware.

SECOND: The Corporation owns all of the outstanding shares of each class of the capital stock of Cell Pathways, Inc., a Delaware corporation (the "Morging Party").

THIRD: The Corporation, by the written consent of its Board of Directors, dated June 25, 2003, determined to merge the Merging Party with and into itself, with the Corporation surviving the merger, on the conditions set forth in such resolutions:

Marger with Cell Pathways, Inc.

RESOLVED, that the Corporation merge with Cell Pathways, Inc., a Delaware corporation and a wholly-owned subsidiary of the Corporation ("Cell Pathways"), by having Cell Pathways marge with and into the Corporation and the Corporation shall be the surviving corporation, and that upon effectiveness of the merger, the issued and outstanding shares of the common stock of Cell Pathways shall be cancelled and no longer be issued and outstanding, and each of the issued and outstanding shares of the common stock of the Corporation shall continue to be issued and outstanding stock of the Corporation.

RESOLVED, that in order to effectuate the merger, the officers of the Corporation are, and each of them is, hereby authorized, empowered and directed to execute, deliver and file in the name and on behalf of the Corporation, a Certificate of Ownership and Merger with the Secretary of the State of Delaware.

FOURTH: The effective date of the merger herein certified, insofar as the provisions of the Delaware General Corporation Law govern such effective date, shall be the date upon which this Certificate of Ownership and Merger is filed by the Secretary of State of the State of Delaware.

NYC 265328v1

IN WITNESS WHEREOF, the Corporation has caused this Certificate of Ownership and Merger to be signed by its authorized officer, this 14th day of July 2003:

OSI PHARMACEUTICALS, INC.

Name, Colin Goddard, Ph.D.

Title: Chief Executive Officer





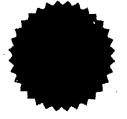
The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"CELL PATHWAYS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "OSI PHARMACEUTICALS, INC." UNDER THE NAME OF "OSI PHARMACEUTICALS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FOURTEENTH DAY OF JULY, A.D. 2003, AT 6:25 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2004924 B100M

030460953

AUTHENTICATION: 2528803

DATE: 07-15-03

PTO/SB/81 (09-03)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Paperwork Reduction Act of 1995, no persons are requi

POWER OF ATTORNEY and **CORRESPONDENCE ADDRESS INDICATION FORM**

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Application Number Filing Date First Named Inventor		10/003,868 October 24, 2001 Rifat Pamukcu							
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							Ar	t Unit	1623
Ex	caminer Name	H.V. Owens, Jr.							
At	torney Docket Number	P-168-1							

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	Practitioners associated	with the Customer Number:						
	OR .							
•	Practitioner(s) named be	low:						1
	Name			Registration Number]
	Shu M. Lee			41,147				1 !
	Alexander Stewart			47,110			1	
	Kimberly Nguyen			47,821			1	
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	our attorney(s) or agent(s)	s) to prosecute the application identifi	ed above,	and to ti	ansact all busine			
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Please	e recognize or change the	correspondence address for the abo	ove-identifi	ed applic	cation to:	sufficie	nt postage as first ci	lass mail in an envelope
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	The address associat	ed with Customer Number:] ,	OSI PHARMACEI	l' _
	OR					<u>By</u> 4	him. for	Date 27 Jan
~	Firm or Individual Name	OSI Pharmaceuticals, Inc.						2004
	Address	58 South Service Road, Suite 110						
	Address							
	Address City			State	NY	Zip	11747	
	Address City Country	58 South Service Road, Suite 110 Melville			<u>,</u>	Zip	11747	
	Address City Country Telephone	58 South Service Road, Suite 110		State Fax	NY 631 752-3880	Zip	11747	
I am t	Address City Country Telephone	58 South Service Road, Suite 110 Melville			<u>,</u>	Zip	11747	
I am t	Address City Country Telephone the: Applicant/Inventor.	58 South Service Road, Suite 110 Melville 631-962-2000			<u>,</u>	Zip	11747	
	Address City Country Telephone the: Applicant/Inventor. Assignee of record of	58 South Service Road, Suite 110 Melville	SB/96)		<u>,</u>	Zip	11747	
I am t	Address City Country Telephone the: Applicant/Inventor. Assignee of record of	58 South Service Road, Suite 110 Melville 631-962-2000 the entire interest. See 37 CFR 3.71.	•	Fax	631 752-3880	Zip	11747	
I am t	Address City Country Telephone the: Applicant/Inventor. Assignee of record of Statement under 37 C	58 South Service Road, Suite 110 Melville 631-962-2000 the entire interest. See 37 CFR 3.71. FR 3.73(b) is enclosed. (Form PTO/S	•	Fax	631 752-3880	Zip	11747	
l am t	Address City Country Telephone the: Applicant/Inventor. Assignee of record of Statement under 37 C	58 South Service Road, Suite 110 Melville 631-962-2000 the entire interest. See 37 CFR 3.71. FR 3.73(b) is enclosed. (Form PTO/S	•	Fax	631 752-3880 of Record		11747	
l am t	Address City Country Telephone the: Applicant/Inventor. Assignee of record of Statement under 37 C	58 South Service Road, Suite 110 Melville 631-962-2000 the entire interest. See 37 CFR 3.71. FR 3.73(b) is enclosed. (Form PTO/S SIGNATURE of Applications of Signature Sign	•	Fax	631 752-3880			
Name Signat Date	Address City Country Telephone the: Applicant/Inventor. Assignee of record of Statement under 37 C	58 South Service Road, Suite 110 Melville 631-962-2000 the entire interest. See 37 CFR 3.71. FR 3.73(b) is enclosed. (Form PTO/S SIGNATURE of Applications of Security Vice-President	cant or As	Fax	631 752-3880 of Record Telephone	(631)962-	2056	

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OSI Pharmaceuticals, Inc.

By Krawa Shu M. Lee

Date 27 Jan 2004

Mail Stop AF

Commissioner for Patents U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

REVOCATION OF SMALL-ENTITY STATUS

Applicants respectfully revokes the small-entity status for the above-identified application. Commissioner is authorized to charge any deficiencies and credit any overpayment to OSI Pharmaceuticals, Inc. Deposit Account No. **502783**.

Very truly yours,

Shu M. Lee

Attorney for Applicant Registration No. 41,147

Telephone No. (631) 962-2056

or (516) 924-4035

Fax No. (631) 752-3880

December 11, 2003 OSI Pharmaceuticals, Inc. 58 South Service Road, Suite 110 Melville, NY 11747